

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FEDERAL ELECTION COMMISSION,

Plaintiff,

v.

NATIONAL REPUBLICAN SENATORIAL  
COMMITTEE,

Defendant.

C.A. No. 93-1612(JHP)

FINAL JUDGMENT

**FILED**

JUN 13 1995

FINAL JUDGMENT

CLERK, U.S. DISTRICT COURT  
DISTRICT OF COLUMBIA

The Plaintiff Federal Election Commission ("FEC") and the Defendant National Republican Senatorial Committee ("NRSC") having entered into a Stipulation to Final Judgment, and this Court having jurisdiction over this matter and the parties, and having denied two motions to dismiss and denied in part and granted in part the defendant's motion for summary judgment, the Court finds that, as stipulated by the parties in the Stipulation to Final Judgment, in 1986 NRSC violated the Federal Election Campaign Act, 2 U.S.C. §§ 441a(h), 434(b) and 11 CFR § 110.6(d)(2) promulgated thereunder,

IT IS ORDERED ADJUDGED AND DECREED that the NRSC is precluded in any case brought by the Commission against it from contesting that it violated the Federal Election Campaign Act, 2 U.S.C. §§ 441a(h), 434(b) and 11 C.F.R. § 110.6(d)(2) promulgated thereunder by engaging in the conduct described in Section I above.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that through December

31, 1998, if the NRSC receives and deposits a contribution check that is payable to it without any direct or indirect indication that the contributor intends to designate it for a particular candidate or candidate's committee, and if the NRSC then contacts the contributor and requests and obtains a designation of the previously received unrestricted contribution to a particular candidate or candidates committee, and if the contribution then is delivered by the NRSC to the candidate or committee pursuant to the designation, the NRSC shall treat such contributions as a contribution to the candidate or the candidate's committee from both the NRSC and the designating contributor, and the NRSC shall so report the contribution.

AND IT IS FURTHER ORDERED that no other or further relief shall be granted in this case, unless the Commission seeks enforcement of this Stipulation To Final Order and the Final Judgment.

AND IT IS FURTHER ORDERED that each party is to bear its own costs, expenses, and fees.

Dated: June 12, 1995

  
U.S. District Court Judge

Copies to:

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Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

and

Jan Witold Baran  
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1776 K Street, N.W.  
Washington, D.C. 20006

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STIPULATION TO FINAL JUDGMENT

CLERK, U.S. DISTRICT COURT  
DISTRICT OF COLUMBIA

I

The Plaintiff Federal Election Commission ("FEC") and the Defendant National Republican Senatorial Committee ("NRSC") stipulate that this Court has jurisdiction over this matter and the parties, and has denied two motions to dismiss and denied in part and granted in part the defendant's motion for summary judgment, in which the Court found that:

IF, during the 1986 election cycle (i) the NRSC received contribution checks that were payable to it without any direct or indirect indication that the contributor intended to designate it for a particular candidate or candidate committee, (ii) the NRSC deposited these contributions in a separate escrow account, (iii) the NRSC then contacted contributors, requested, and sometimes obtained redesignations of the previously received and deposited contributions to particular candidates or candidate committees, (iv) the NRSC then

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delivered the redesignated contributions to the designated candidates or candidate committees; (v) the NRSC accounted for and reported these amounts as earmarked contributions from the contributors and did not count them against its own contribution limits which it exhausted with other contributions,

Then (i) the NRSC violated the Federal Election Campaign Act, 2 U.S.C. §§ 441a(h), 434(b) and 11 C.F.R.

§ 110.6(d)(2) promulgated thereunder and (ii) 28 U.S.C. § 2462 bans the awarding of a civil penalty against the NRSC.

## II

The NRSC stipulates that it engaged in the conduct described in Section I above and has litigated whether such conduct violates the Federal Election Campaign Act, 2 U.S.C. §§ 441a(h), 434(b) and 11 C.F.R. § 110.6(d)(2) promulgated thereunder. Pursuant to the above described decision of the Court, and solely for the purpose of avoiding further litigation, the NRSC admits that in 1986 it violated the Federal Election Campaign Act as described above.

Futhermore, unless there is a change in the law, the NRSC stipulates that in any future action brought by the Commission against it that it will not contest that the conduct described in Section I above violate the Federal Election Campaign Act, 2 U.S.C. §§ 441a(h), 434(b) and 11 C.F.R. § 110.6(d)(2) promulgated thereunder.

III

The parties stipulate that the Court may enter the following injunction and order in final resolution of this matter:

IT IS ORDERED ADJUDGED AND DECREED that the NRSC is precluded in any case brought by the Commission against it from contesting it violated the Federal Election Campaign Act, 2 U.S.C.

§§ 441a(h), 434(b) and 11 C.F.R. § 110.6(d)(2) promulgated thereunder by engaging in the conduct described in Section I above.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that through December 31, 1998, if the NRSC receives and deposits a contribution check that is payable to it without any direct or indirect indication that the contributor intends to designate it for a particular candidate or candidate's committee, and if the NRSC then contacts the contributor and requests and obtains a designation of the previously received unrestricted contribution to a particular candidate or candidates committee, and if the contribution then is delivered by the NRSC to the candidate or committee pursuant to the designation, the NRSC shall treat such contributions as a contribution to the candidate or the candidate's committee from both the NRSC and the designating contributor, and the NRSC shall so report the contribution.


AND IT IS FURTHER ORDERED that no other or further relief shall be granted in this case, unless the Commission seeks enforcement of this Stipulation To Final Order and the Final Judgment.

AND IT IS FURTHER ORDERED that each party is to bear its own costs, expenses, and fees.


Respectfully submitted,

FOR THE PLAINTIFF  
FEDERAL ELECTION COMMISSION

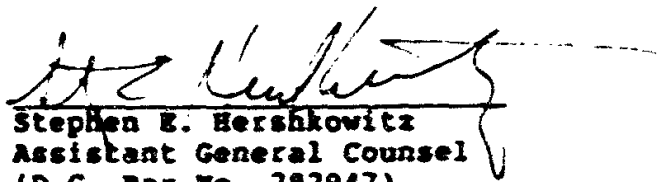
FOR THE DEFENDANT  
NATIONAL REPUBLICAN SENATORIAL  
COMMITTEE

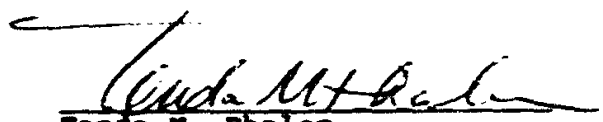
  
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Dated: 